

James R. Buch, Jr.
and Frances M. Buch,
Petitioner
ZRA 106

* PLANNING BOARD OF
* HOWARD COUNTY, MARYLAND

* * * * *

MOTION: To recommend Denial of the proposal to amend Section 127.5 (CAC: Corridor Activity Center District) of the Zoning Regulations to add a provision to permit apartment and single-family attached uses within a Route 1 Corridor development project of less than two acres with certain provisions.

ACTION: *Recommended denial of Petition; Vote 4 to 0.*

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RECOMMENDATION

On October 16 and October 23, 2008, the Planning Board of Howard County, Maryland, considered the petition of James R. Buch Jr. and Frances M. Buch to amend Section 127.5 of the Zoning Regulations. The original petition was a proposal to add a provision to permit apartment and single-family attached uses within a Route 1 Corridor development project of less than two acres if the property is adjacent to CAC zoned property. At the October 16 Planning Board meeting, the Petitioner presented an amendment to the original proposal. This amendment modified the original petition to permit the noted uses if the property is contiguous to CAC development which has received an approved sketch plan or site development plan.

The petition, the Department of Planning and Zoning Technical Staff Report, Technical Staff Report Addendum dated October 20, 2008 and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended that the Petitioner's original and amended requests be denied.

The Petitioner was represented by Andrew Robinson, Esq. Grace Kubovitch appeared in opposition to the petition.

Mr. Robinson said the amendment is intended to facilitate development of contiguous parcels for developed properties for the highest and best use of land. He said this is often residential land which would be compatible with contiguous land uses of CAC developed properties. He said the language of the proposal focuses on the intended purpose of the CAC district and that flexibility to complement developments in process is needed. Mr. Robinson stated that there are seven CAC districts in the Route 1 corridor and that since four of these are fully assembled, there would be minimal impact to the remaining CAC districts.

Tammy Citara Manis questioned why it is impossible to comply with the commercial development requirement of the Zoning Regulations and Mr. Robinson replied that the type of commercial uses that could fit the smaller parcels would not reflect the mixed-use intent of the CAC district.

1 Paul Yelder commented regarding the practicality of a zoning regulation amendment if it only
2 affected one or two parcels.

3 Mr. Robinson said the amendment could affect some parcels in North Laurel, but only a minimal
4 number would be affected and checks were in place to ensure that developers complied with the Route 1
5 Manual.

6 James Buch testified that since the subject property has no frontage on Route 1, commercial uses
7 are not appropriate since it is surrounded by residential uses. He said the property would probably be
8 developed with apartments or condominiums that would complement the adjoining development.

9 Tammy Citara Manis questioned why a zoning map amendment was not proposed and why the
10 mistake or change rule did not apply.

11 Mr. Yelder asked if there was any thought given to adding a "compatibility"
12 component to the proposed language.

13 Grace Kubovitch testified that denial of the petition seems appropriate. She said it seems clear that
14 there was no intent to assemble this property and that a zoning map amendment would likely be more
15 appropriate. She said that allowing this level of increased density is wrong and the proposal would create a
16 "rolling rezoning" of properties in the Rt. 1 corridor.

17 **Motion:**

18 Tammy Citara Manis made a motion to accept the recommendation of denial of the DPZ Technical
19 Staff Report (without any modification of language). Gary Rosenbaum seconded the motion.

20 **Discussion:**

21 Ms. Citara Manis said she understands that the owners of the subject property are not "holdouts".
22 She said a map amendment might serve the property better and a zoning regulation amendment is not the
23 appropriate mechanism. Ms. Citara Manis said the intent is to make sure the CAC/Rt. 1 zoning comes to
24 fruition.

25 Gary Rosenbaum said further research is needed and that the proposal deals with an area of the
26 County where density is critical.

27 Mr. Yelder concurred and said the spirit of his comment was that a map amendment would be the
28 appropriate process.


Mr. Grabowski said that now that he is aware that approximately 47 properties may be affected, he
agrees that a blanket amendment for CAC is not warranted.


Vote:

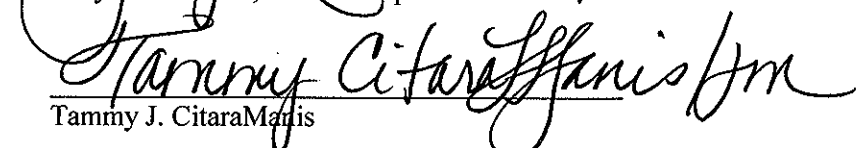
The motion for denial of the petition (without modification of language) in accordance with the
recommendation of the DPZ Technical Staff Report passed by a vote of 4 to 0.

1 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 20 day of
2 November, 2008, recommends that the Petitioner's request to amend section 127.5 of the Zoning
3 Regulations to add a provision to permit apartment and single-family attached uses within a Route 1
4 Corridor development project of less than two acres if the property is adjacent to CAC zoned property or if
5 the property is contiguous to CAC development which has received an approved sketch plan or site
6 development plan, be DENIED in accordance with the recommendation of the Technical Staff Report.

7 HOWARD COUNTY PLANNING BOARD

8 
9 David Grabowski, Chairperson

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11 Gary Rosenbaum, Vice Chairperson

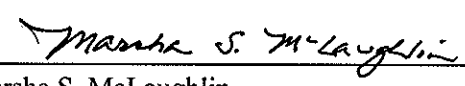
12 
13 Tammy J. Citaramanis

14 ABSTAINED

15 Linda A. Dombrowski

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17 Paul Yelder

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19 ATTEST:

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22 Marsha S. McLaughlin
23 Executive Secretary
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